



~~September 18, 2007 CPC~~  
October 16, 2007 CPC

STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

08SN0111

Twin Rivers LLC

Bermuda Magisterial District  
Enon Elementary, Chester Middle and Thomas Dale High Schools Attendance Zones  
Southwest quadrant of Meadowville and North Enon Church Roads

REQUEST: Rezoning from General Industrial (I-2) to General Business (C-5) with Conditional Use to permit multifamily and townhouse uses plus Conditional Use Planned Development to permit exceptions to Ordinance requirements.

PROPOSED LAND USE:

A mixed use development consisting of residential and commercial uses is proposed.

RECOMMENDATION

Recommend deferral to December 18, 2007. Additional discussions are necessary with the applicant to resolve land use and transportation issues as well as coordinate the development with plans for the Meadowville Technology Park. If this case is deferred to the Commission's December 18, 2007, meeting, any new or revised information should be submitted no later than October 15, 2007. Otherwise a longer deferral would be appropriate.

The latest proffered conditions and Textural Statement are attached.

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## CASE HISTORY

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Planning Commission Meeting (9/18/07):

On their own motion, the Commission deferred this case to their October 16, 2007, meeting.

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Staff (9/19/07):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than September 24, 2007, for consideration at the Commission's October 16, 2007, meeting.

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Applicant (9/26/07):

Revised proffered conditions were submitted.

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Staff (10/3/07):

If this case is acted upon by the Planning Commission on October 16, 2007, it will be considered by the Board of Supervisors on October 24, 2007.

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# RUDY, COYNER & ASSOCIATES

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CARRIE E. COYNER, Esquire  
*OLIVER D. RUDY (May 3, 1937-March 13, 2007)*

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September 26, 2007

Ms. Beverly Rogers,  
Assistant Director of Planning  
Chesterfield County  
Chesterfield County, Virginia 23832

Re: **Case No. 08SN0111**- Zoning Application of TWIN RIVERS, LLC, for rezoning of Chesterfield County Tax IDs 823-659-3856, 6573, 9483, 824-659-2386, 5689, 8890, and 823-660-4049 from I-2 with CUPD to C-5 with a Conditional Use to permit multi-family uses and a CUPD to permit bulk exceptions, with cash proffers and other proffers as set forth hereinbelow, and subject to the conditions and provisions of the Textual Statement attached to and made a part of this application.

Dear Beverly:

The Owner-Applicant in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors or assigns, proffers that the development of the property known as Chesterfield County Tax IDs 823-659-3856, 6573, 9483, 824-659-2386, 5689, 8890, and 823-660-4049 from I-2 with CUPD to C-5 with a Conditional Use to permit RMF and a CUPD to permit bulk exceptions, and subject to the conditions and provisions of the Textual Statement will be developed as set forth below; however, in the event the request is denied or approved with conditions not agreed to by the Applicant, these proffers and conditions shall be immediately null and void and of no further force or effect.

1. **Timbering.** Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from

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the Environmental Engineering Department and the approved devices have been installed.

2. **Utilities.** Public water and wastewater systems shall be used.

3. **Environmental.**

A. For any development that drains to Johnsons Creek, stormwater runoff shall be retained based upon the two (2) year, ten (10) year and 100 year post development condition and released based upon the two (2) year, ten (10) year, and 100 year pre-development condition, respectively. Stormwater runoff that is directed to the North toward the Meadowville Landing Subdivision shall be discharged to an adequate outfall of sufficient size and capacity to handle the post development discharge.

B. The developer shall follow the approved drainage breaks for the parcels as shown on a plan titled "Meadowville Stormwater Management BMP-MP Post Developed Hydraulic Analysis," prepared by Timmons Group, dated May 23, 2007, revised August 9, 2007.

4. **Transportation.**

A. **Dedications.** Prior to any site plan approval, in conjunction with recordation of the initial subdivision plat or within ninety (90) days of a written request by the Transportation Department, whichever occurs first, thirty-five (35) feet of right-of-way, measured from the centerlines of North Enon Church Road and Meadowville Road, immediately adjacent to the Property shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County, Virginia.

If Meadowville Road is vacated, right-of-way for the construction of New Meadowville Road shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County, Virginia, prior to any site plan approval, in conjunction with recordation of the initial subdivision plat or within ninety (90) days of a written request by the Transportation Department, whichever occurs first.

B. **Road Improvements.** In conjunction with the initial development, the developer shall provide the following:

- i. Widening/improving on the south side of Meadowville Road and the west side of North Enon Church Road to provide an eleven (11) foot wide travel lane, measured from the centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, and overlaying the full width of the road with one and one half (1.5) inches of compacted bituminous asphalt concrete, with modifications approved by the Transportation Department, for the entire Property frontage.

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ii. Construction of additional pavement along Meadowville Road and North Enon Church Road at the approved access to provide left and right turn lanes, if warranted, based on Transportation Department Standards.

iii. Dedication to and for the benefit of Chesterfield County, free and unrestricted, of any additional right-of-way (or easement) required for the improvements identified above.

**C. Access.**

i. Direct vehicular access from the Property to Meadowville Road shall be limited to two (2) roads.

ii. There shall be no direct vehicular access from the Property to North Enon Church Road.

iii. Direct vehicular access from the Property to New Meadowville Road shall be limited to three (3) roads.

iv. An access plan showing the manner in which the Property shall achieve access to Meadowville Road shall be submitted to the Transportation Department for review and approval prior to or in conjunction with site plan approval.

5. **Master Plan.** The textual statement dated last revised September 26, 2007 shall be considered the Master Plan along with two Conceptual Plans entitled “Master Plan, Meadowville Town Center, Bermuda District, Chesterfield County, Virginia,” dated September 13, 2007, and “Meadowville Town Center – Alternate” dated September 20, 2007, both prepared by TimmonsKelly Architects, shall collectively be considered the Master Plan.

6. **Cash Proffers.** The applicant, sub-divider, or assignee(s) shall pay the following to the County of Chesterfield, prior to the issuance of a building permit for infrastructure improvements within the service district for the property:

a. \$10,269 per dwelling unit, if paid prior to July 1, 2007; or

b. The amount approved by the Board of Supervisors not to exceed \$10,269 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2007. At the time of payment, the \$10,269 will be allocated pro-rata among the facility costs as follows: \$602 for parks and recreation, \$348 for library facilities, \$8,915 for roads, and \$404 for fire stations. Payments in excess of \$10,269 shall be prorated as set forth above.

c. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.

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- d. If, upon the mutual agreement of the Transportation Department and the Applicant, the Applicant provides road improvements other than those road improvements identified in Proffered Condition 4 (the “Improvements”), then the transportation component in this Proffered Condition shall be reduced by an amount not to exceed the cost to construct the Improvements so long as the cost is of equal or greater value than that which would have been collected through the payment(s) of the road component of the cash proffer as determined by the Transportation Department. Once the sum total amount of the cash proffer credit exceeds the cost of the Improvements, as determined by the Transportation Department, thereafter the Applicant shall commence paying the cash proffer as set forth in this Proffered Condition as adjusted for the credit. For the purposes of this proffer, the costs, as approved by the Transportation Department, shall include, but not be limited to, the cost of right-of-way acquisition, engineering costs, costs of relocating utilities and actual costs of construction (including labor, materials, and overhead) (“Work”). Before any Work is performed, the Applicant shall receive prior written approval by the Transportation Department for the Improvements and any credit amount.
- e. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner as determined by the County. If Chesterfield should adopt a “workforce” or “affordable” housing program which eliminates or permits a reduced cash proffer, the cash proffer for any dwelling unit on the Property that is designated as “workforce” or “affordable” housing, that meets all the requirements of the adopted “workforce” or “affordable” housing program, and for which a cash proffer has not yet been paid shall be adjusted to be consistent with the approved “workforce” or “affordable” housing program.
7. **Location of Uses.** Any permitted uses may be permitted within the same building, block, street, or section of street in order to facilitate the mixed-use nature of the development. Limitations, if any, to this provision are set out in the Textual Statement.

Very truly yours,

Carrie E. Coyner

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TWIN RIVERS, LLC  
TEXTUAL STATEMENT

September 26, 2007

This is a request to rezone 67.76 acres of the Property under consideration to C-5 with a Conditional Use to permit Residential Multi-Family and a Conditional Use Planned Development (CUPD) that will permit bulk exceptions to ordinance standards. Except as qualified herein, uses permitted in the C-3 District, RMF, and outdoor entertainment uses shall be permitted throughout the property.

**I. General Conditions.**

(A) The development shall have a traditional mixed use development design with a mix of residential and non-residential uses within blocks and/or within a building. Buildings will be located close to the sidewalks and other buildings, the streets lined with trees and sidewalks, on-street parking, and open spaces.

(B) The Property shall be developed as generally depicted on the attached Master Plan, entitled "Meadowville Town Center" dated September 13, 2007, prepared by TimmonsKelly Architects, and as provided in the accompanying proffers and as set forth herein below. However, if existing Meadowville Road is vacated, the Property shall be developed as generally depicted on the attached Master Plan entitled "Meadowville Town Center – Alternate" dated September 20, 2007, prepared by TimmonsKelly Architects, and as provided in the accompanying proffers and as set forth herein below unless the Applicant, Economic Development, and the Transportation Department mutually agree on an alternative location for New Meadowville Road. The two plans shall hereinafter be referred to collectively as the Master Plan.

The uses shall be located in the area as generally depicted on the Master Plan, but their location and size, including further divisions into sub-tracts, may be modified through the site plan process, so long as the parcels generally maintain their relationship with each other and any adjacent properties. Such Plan shall be subject to appeal in accordance with the provisions of the Zoning Ordinance for Site Plan appeals. Sub-tract (a designated portion of a Tract) divisions may be created at the time of site plan review and shall not require a separate review as a tract adjustment provided there is no adjustment in the overall tract boundary unless the tract boundary as been approved for adjustment as stated herein. Prior to any site plan approval, a schematic plan must be approved by the Director of Planning. The schematic plan shall include information deemed necessary by the director of planning to ensure compliance with zoning conditions and the zoning ordinance's purposes, including but not limited to the horizontal layout of the project based on a metes and bounds survey, a general list of uses, density, conceptual landscaping plans and cross-sections of any required buffers. The Director of Planning shall review the schematic plan for compliance with the Zoning Ordinance and zoning conditions, to ensure land compatibility and transition. Such plan shall be subject to appeal in accordance with the provisions of the Zoning Ordinance for Site Plan appeals.

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## **II. General Requirements and Exceptions.**

### **(A) Parking.**

1. If on-street parking is permitted, those spaces shall be counted towards the required number of parking spaces for all uses.
2. The Applicant shall provide parking for residential uses based on 2 spaces per dwelling unit.
3. Commercial or office uses shall provide parking based on 4.4 spaces/1,000 gross floor area.
4. Parking may be further reduced based on Zoning Ordinance Section 19-512.
5. Parking shall not be required on each parcel or site where the use is located, but rather may be provided off-site, including on-street parking, subject to approval at the time of plans review, which may include requirements for easements.

### **(B) Sidewalks.** Generally, sidewalks shall be located on both sides of all public streets exclusive of Meadowville Road, New Meadowville Road, and North Enon Church Road. Sidewalks shall be provided to facilitate pedestrian access within the project and Meadowville Technology Park.

### **(C) Street Trees.** Street trees shall be planted along each side of all public streets, with the exception of Meadowville Road and North Enon Church Road.

### **(D) Architectural Standards.**

1. The maximum height for all buildings shall be (6) stories. This height limit shall not restrict the use of a roof of a six (6) story building for features such as, but not limited to, decks, patios, or gardens. The maximum height of accessory buildings and structures shall be one-half (1/2) the height of the principal building.
2. The maximum height for any building adjacent to Meadowville Road, N Enon Church Road or New Meadowville Road shall be three (3) stories.
3. Buildings adjacent to Meadowville Road and N Enon Church Road shall front towards Tract K.
4. Tract K shall have a similar architectural style to Chester Village Green. Tracts A through I shall compliment the architectural style of Tract K.
5. Restrictive Covenants shall be recorded prior to issuance of a building permit.

### **(E) Setbacks.**

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All buildings (including accessory structures) along internal roads, interior private driveways, parking areas and streets shall have zero (0) foot setback requirement for front, side, corner side, rear, and through lots. No setback shall be required from proposed or existing public roads except along North Enon Church Road and existing Meadowville Road. Provided however, that corner side yards shall meet sight distance requirements as may be established prior to the issuance of a building permit.

(F) Buffers and Landscape Areas.

1. No buffers shall be required between various uses; however, landscaping shall be provided throughout the Property.

2. No buffers shall be required along Meadowville Road or New Meadowville Road. A fifty (50) foot building setback shall be maintained along existing Meadowville Road with installation of perimeter landscaping C.

3. A minimum fifty (50) foot setback shall be maintained along North Enon Church Road. Except where necessary to accommodate access and utilities that run generally perpendicular through the setback, trees having a caliper of four (4) inches or greater shall be maintained within this setback along with the installation of perimeter landscaping C. This does not preclude the removal of diseased, dead, or dying trees.

(G) Public Streets. As permitted by VDOT and the Chesterfield County Transportation Department, street design and pavement widths shall be based on VDOT's Subdivision Street Design Guide effective January 1, 2005. These standards allow for curb-to-curb widths of a twenty-two (22) foot width and a right-of-way thirty (30) feet, based on average daily traffic. The minimum right-of-way shall be established at the time of Site Plan review based on the street layout.

(H) Unpermitted Uses. The following uses shall not be permitted on the Property:

1. Feed, seed and ice sales;
2. Fraternal uses;
3. Indoor flea markets;
4. Kennels, commercial;
5. Material reclamation receiving centers;
6. Motor vehicle sales and rental;
7. Secondhand and consignment stores; and
8. Taxidermies.

**II. Tracts A through I – Commercial Area.**

(A) Uses. Uses permitted shall be limited to:

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1. Uses permitted by right or with restriction in the Community Business (C-3) District.
2. Recreational establishments, commercial outdoor to be limited to outdoor entertainment for community events such as performances, concerts, theatres, amphitheatres, and other community events.
3. Mixed-Use Buildings, as defined as multi-story buildings that accommodate a combination of commercial, retail, and/or office uses within the same structure.
4. Accessory uses permitted in the C-3 Zoning District, except as restricted herein.

(B) Requirements. Except as set forth above and as described in the accompanying proffers, development shall conform to the Emerging Growth Standards.

### **III. Tract K – Mixed Use Area.**

(A) Uses. Uses permitted shall be limited to:

1. Uses permitted by right or with restriction in the Community Business (C-3) District.
2. Uses permitted by right or with restriction in the Residential Multi-family (RMF) District.
3. Accessory uses permitted in the R-MF and C-3 Zoning Districts, except as restricted herein.
4. Recreational establishments, commercial outdoor to be limited to outdoor entertainment for community events such as performances, concerts, theatres, amphitheatres, and other community events.
5. Mixed-Use Buildings, as defined as multi-story buildings that accommodate a combination of commercial and/or office and/or residential uses within the same structure.

(B) Requirements for Residential Use. Development of Residential Multi-Family uses shall conform to requirements of the Zoning Ordinance for RMF zoning districts except as set forth in Section I above, in the accompanying proffers and as follows:

1. There shall be no minimum parcel size.
2. The density shall not exceed sixteen (16) dwelling units per floor.
3. A maximum of four (4) buildings shall be permitted to have all residential uses on the first floor. All buildings without an elevator shall be permitted to have a single dwelling unit on the first floor. This single dwelling unit shall not count

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towards the maximum number of residential floors in a building.

4. There shall be no residential structure within 200 feet of property within the Meadowville Technology Park.

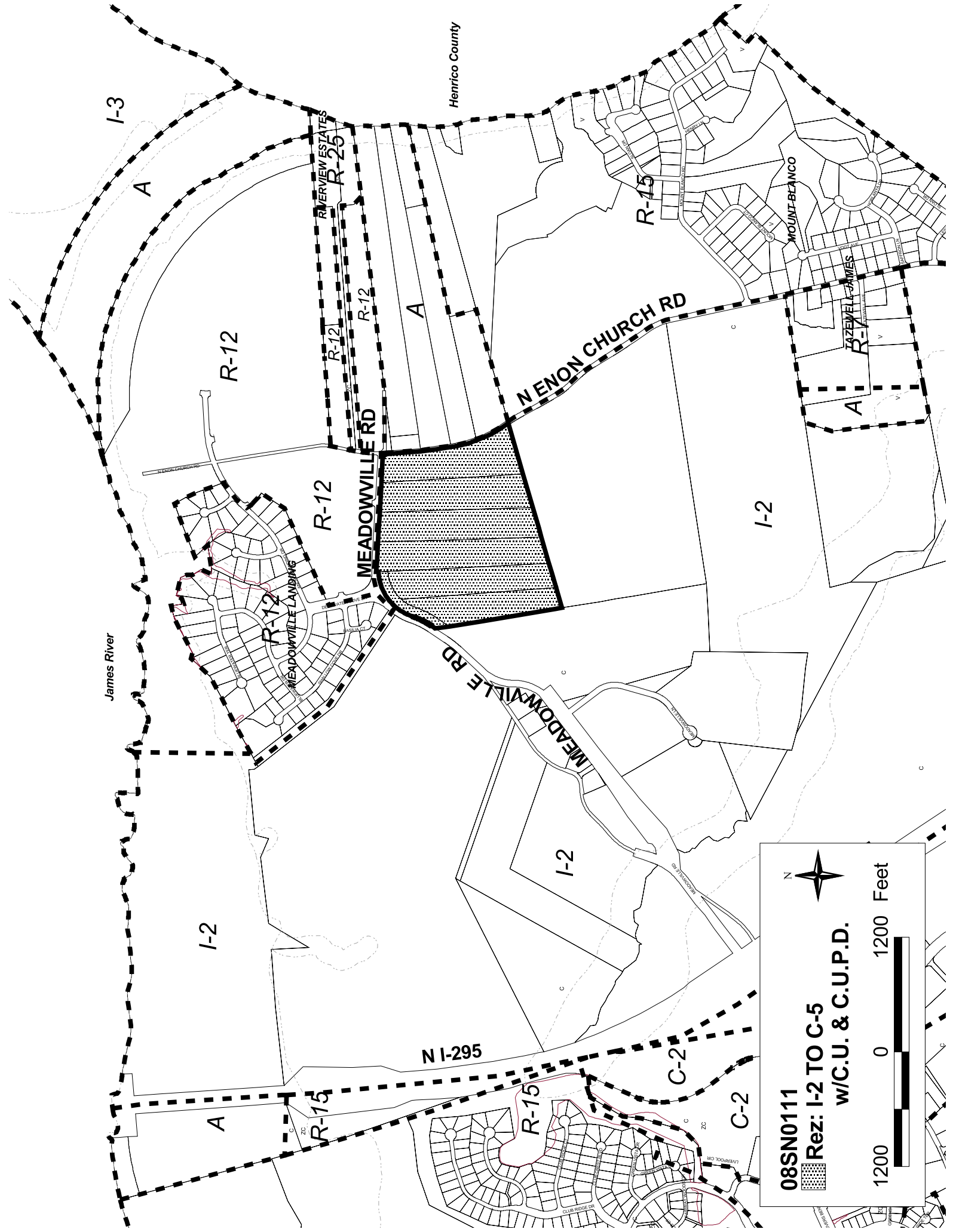
5. A maximum of three (3) stories in any given building may be used for residential use.

(C) Requirements for Commercial Use. Development of Commercial Uses shall conform to the requirements of the Zoning Ordinance for Emerging Growth District Standards except as set forth in Section I above and in the accompanying proffers.

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Applicant/Agent

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08SN0111

Rez: I-2 TO C-5

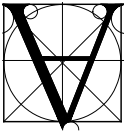
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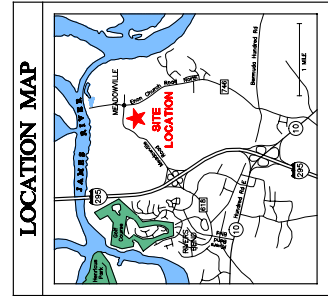
**MEADOWVILLE TOWN CENTER**  
MASTER PLAN  
CHESTERFIELD COUNTY, VIRGINIA

DATE	DRAWING STATUS

PROJECT NO:	
DRAWN BY:	
ARCHITECT:	
SHEET NO:	<b>A1.0</b>

OUT PARCEL KEY		
PARCEL MARK	PROPOSED USE	PROPOSED ACRES
A	COMMERCIAL	1.0
B	COMMERCIAL	2.3
C	COMMERCIAL	1.9
D	COMMERCIAL	1.4
E	COMMERCIAL	1.1
F	COMMERCIAL	3.9
G	COMMERCIAL	2.8
H	COMMERCIAL	5.5
I	COMMERCIAL	5.8
TOTAL ACRES = +/- 24.9 ACRES		

TOWN CENTER KEY		
PARCEL MARK	PROPOSED USE	PROPOSED ACRES
K	RESIDENTIAL / COMMERCIAL	27.8
TOTAL ACRES = +/- 27.8 ACRES		



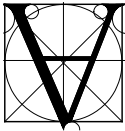
DATE: SEPT. 13, 2007  
**MEADOWVILLE TOWN CENTER**

SCALE: 1" = 100'  
0 100 200 300 400

08SN0111-1

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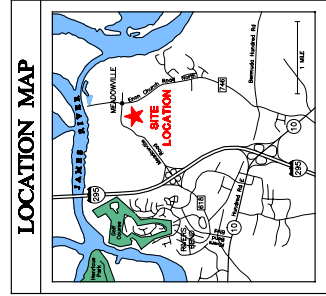
**MEADOWVILLE TOWN CENTER**  
MASTER PLAN  
CHESTERFIELD COUNTY, VIRGINIA

DATE	DRAWING STATUS
9/20/07	ISSUED FOR REVIEW

PROJECT NO:	
DRAWN BY:	
ARCHITECT:	
SHEET NO:	<b>A1.0</b>

OUT PARCEL KEY		
PARCEL MARK	PROPOSED USE	PROPOSED ACREAGE
A	COMMERCIAL	1.4
B	COMMERCIAL	1.7
C	COMMERCIAL	2.0
D	COMMERCIAL	1.5
E	COMMERCIAL	1.2
F	COMMERCIAL	3.4
G	COMMERCIAL	2.8
H	COMMERCIAL	5.5
I	COMMERCIAL	5.5
TOTAL ACREAGE = +/- 25.0 ACRES		

TOWN CENTER KEY		
PARCEL MARK	PROPOSED USE	
K	RESIDENTIAL / COMMERCIAL	
TOTAL ACREAGE = +/- 28.5 ACRES		



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